IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 925 OF 2006

Ganesh Pandurang Raut ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. R.D. Suryawanshi for the applicant.
Ms. M.M. Deshmukh,APP for the State.

CORAM: V.M. KANADE, J.

DATE: 6th March, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that he is likely to be arrested in connection with C.R. No.I-23/2006 registered with Shahapur Police Station for the offence punishable under sections 147, 148, 149, 302 of the Indian Penal Code.

3. It is submitted by the learned Counsel for the applicant that one Manya Marathe was murdered by a mob of 25/30 persons on 12/2/2006. He submitted that the FIR which is lodged by the Police Constable discloses

that the deceased was moving around in the village with a sword in his hand and had terrorised the neighbours and, thereafter, a mob of 25/30 persons chased him and assaulted him with sticks and fist blows and as a result of these injuries he died subsequently in the hospital. The applicant has an apprehension that his name may be falsely implicated at the instance of his political rival Dilip Adhikari whom he has defeated in the recent elections. It is alleged that the said Dilip Adhikari was instigating the relatives of the deceased to name the present applicant. It is an admitted position that, as of today, the applicant has not been arraigned as an accused and all the villagers are being called to the Police Station for the purpose of investigation by the Investigating Officer. Under these circumstances, at this stage, there is no question of granting anticipatory bail. However, in the event of the respondent intending to arrest the applicant in connection with the said offence, they shall give him 72 hours clear notice excluding Saturday and Sunday. The applicant shall be at liberty to apply for an anticipatory bail after the notice is given by the Investigating Officer. The order passed by the Sessions Court, in my view, does not take into consideration the fact that there was a political

rivalry between the applicant and the said Dilip Adhikari. The said order of the Sessions Court is therefore set aside.

4. Application is accordingly allowed in the above terms and disposed of.

V.M. KANADE, J.